

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL 2327 JOSEPH R. GOODWIN U.S. DISTRICT JUDGE
THIS DOCUMENT RELATES TO: ETHICON WAVE 3 CASES LISTED IN EXHIBIT A	

**NOTICE OF ADOPTION OF DEFENDANTS' PRIOR MOTION TO EXCLUDE
CERTAIN GENERAL OPINIONS OF ALAN GARELY, M.D. FOR WAVE 3**

Come now, the Defendants, and hereby adopt and incorporate by reference (1) Defendants' Wave 1 Motion to Exclude Certain Opinions of Alan Garely, M.D., Case No. 2:12-md-02327, ECF No. 2128 (the "Wave 1 Motion"); and (2) the Memorandum of Law in support thereof, ECF No. 2129 (the "Memorandum of Law").

This notice applies to the Wave 3 cases identified in Exhibit A attached hereto (the "Wave 3 Cases").

Defendants acknowledge that on September 1, 2016, the Court issued a Memorandum Opinion and Order, ECF No. 2718 (the "Order") GRANTING the Wave 1 Motion in part, DENYING it in part, and RESERVING judgment in part.

Where the Court GRANTED the Wave 1 Motion, Defendants respectfully request that the Court adopt the same ruling in the Wave 3 Cases for the reasons set forth in Defendants' Memorandum of Law and the Court's Order.

With respect to Defendants' motion to exclude Dr. Garely's opinions on degradation, the Court DENIED the Wave 1 Motion as moot because Plaintiffs conceded that Dr. Garely will not offer any opinions about mesh degradation. (See Order, p. 8). To the extent that Plaintiffs continue to concede that Dr. Garely will not offer any opinions about mesh degradation in Wave 3 cases, the same ruling should apply. To the extent that Plaintiffs now seek to assert that Dr. Garely will offer opinions about mesh degradation, Defendants adopt their arguments in the Wave 1 Motion for the reasons set forth in Defendants' Memorandum of Law.

Where the Court otherwise DENIED or RESERVED judgment on the Wave 1 Motion, Defendants reserve their rights with respect to the Order.

September 19, 2016

Respectfully submitted,

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EXHIBIT A

	WAVE 3 CASE NAME	CASE NO.
1.	Karen A. Lyszczarz and Thomas F. Lyszczarz v. Ethicon, Inc., et al.	2:12-cv-02689
2.	Kelly L. White and John D. White v. Ethicon, Inc., et al.	2:12-cv-03129

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2016, I electronically filed the foregoing document with the Clerk of the court using CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ Kelly S. Crawford

Kelly S. Crawford